

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 8 is requested to be canceled without prejudice or disclaimer.

Claims 1, 6, 11-13 and 23 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7, 9-16, 19-23 are now pending in this application.

Claims 1-7, 9-16 and 19-23 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,826,173 to Kung *et al.* ("Kung"). Applicant respectfully traverses this rejection of the claims, as amended, for at least the following reasons.

As noted in an earlier reply by Applicant, embodiments of the present invention provide for formation and transmission of notification messages in accordance with the multimedia message reception capabilities or user preferences. In accordance with embodiments of the invention, a network entity may access a database comprising data related to the reception capabilities or preferences of an intended recipient of media content. The network entity then forms a notification message containing information related to the media content in accordance with the reception capabilities or preferences of the intended recipient.

Kung is directed mainly towards IP telephony services, such as voice and multimedia calls, which is real-time media. There is no teaching or suggestion in Kung of accessing the reception capabilities or preferences of a targeted recipient from a database. The Examiner cites Kung as disclosing this feature at col. 35, lines 61-67; col. 37, lines 65-67; col. 38, lines

1-11; and col. 38, lines 35-51. Applicant respectfully disagrees with this interpretation of the disclosure of Kung.

While embodiments of the present is directed at the preferences of only the sender, or caller. For example, Kung discloses “call set-up data of the caller” (Kung, col. 35, line 65) and “displaying actual and alternative calling party preference data” (Kung, col. 37, line 67 - col. 38, line 1). There is no teaching or suggestion in Kung of accessing the reception capabilities or preferences of a recipient, as recited in the pending claims.

Further, Kung fails to teach or suggest a notification message, as recited in the independent claims. The Examiner cites various portions of Kung as relating to this feature. Applicant respectfully notes that each of these portions fails to teach or suggest a notification message. For example, at col. 13, lines 44-57, Kung describes an ability send messages; at col. 35, lines 64-67, Kung describes the giving of an audible or visual message to a caller while the party is being located; and at col. 37, lines 34-44, Kung describes sending reminders about events or time outgoing messages (e.g., Mother’s Day greetings). None of these cited portions of Kung teaches or suggests a notification message.

Further, in accordance with certain embodiments of the present invention, the network entity transmits the notification message to at least one addressed recipient. During streaming of the content of the message, the network entity may translate at least one component of the content into a format appropriate for the addressed recipient(s). Applicant has amended each of independent claims 1, 11, 12, 13 and 23 to recite this feature.

In rejecting claim 6, the Examiner cites Kung as allegedly disclosing this feature at col. 13, lines 44-60 and Figure 8c. In this regard, Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Kung.

As noted above, Kung discloses preferences of the sender, or caller, in order to determine the outcome of an incomplete call, resulting in message. Thus, a message type, or format, is determined by the data preference of the caller. Accordingly, with the lack of preference of the targeted recipient, Kung fails to teach or suggest translation of message format for a recipient. The portion of Kung cited by the Examiner merely discloses a

multimedia server that manages the multimedia message service and provides such capabilities as storage, indexing and retrieval of such messages. The only conversion disclosed by Kung relates to conversion methods of text-to-speech, speech-to-text, character recognition and language. There is no teaching or suggestion in Kung of a translation performed on a component of a notification message being sent to a recipient.

Therefore, Kung fails to anticipate claims 1-7, 9-16 and 19-23.

Further, claims 1-16 and 19-23 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Number 6,678,361 to Rooke *et al.* (hereinafter “Rooke”). Applicant respectfully traverses this rejection for at least the following reasons.

Embodiments of the present invention relate to sending media content to a recipient and the translation of at least components of that content according to recipient preferences, which may be located on a database that is in communication with the MMSC.

In sharp contrast, Rooke discloses a system in which a terminal mobile station MS transmits a request to the MMSC through a support node, containing the user profile and capabilities. The profile is stored on the MMSC and may be referenced after the MMSC receives a message. The MMSC receives a multimedia message MM and then sends a notification message with information regarding the MM to the MS. The MS decides, based on the notification message, how to handle the MM through a reply message to the MMSC.

Thus, Rooke fails to teach or suggest the translation of a component of the content according to recipient preferences, as recited in the pending claims. As disclosed in Rooke,

“the multimedia messaging service center MMSC automatically sends a special control message MMSNotify in the step S21 to the terminal MS after it has received a new multimedia message MM (step S20)...On the basis of the stored information about the terminal capabilities CAP and its current user profile UP, the terminal MS now processes the information included in the MMS-Notify message and accordingly decides how to handle the multimedia message MM.”

(Rooke, Col. 6, Lines 10-14; Lines 18-23).

Thus, Rooke fails to teach or suggest at least the above-noted feature of independent claims 1, 11, 12, 13 and 23, as amended. Therefore, claims 1, 11, 12, 13 and 23 are patentable. Claims 2-10, 14-16 and 19-22 each depend, either directly or indirectly, from one of allowable claims 1, 11, 12, 13 and 23 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Further, Applicant notes that Rooke is unavailable as a reference in any rejection under 35 U.S.C. § 103(a). Specifically, Rooke was granted on January 13, 2004, after the filing date of the present application. Accordingly, Rooke is a prior art reference under 35 U.S.C. § 102(e). Further, Applicant notes that Rooke was owned by the assignee of the present application at the time of the present invention was made. Specifically, Nokia Corporation is the owner of the entire right, title, and interest in and to Rooke by virtue of Assignments filed and recorded on April 9, 2007, on Reel/Frame 019134/0117, and January 3, 2002, on Reel/Frame 012416/0761, and Nokia Corporation is the owner of the entire right, title, and interest in and to the present claimed invention by virtue of an Assignment filed and recorded on May 21, 2002, on Reel/Frame 012932/0238.

Prior art under subsection (e) of 35 U.S.C. § 102 “shall not preclude patentability” where the reference and the claimed invention “were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Accordingly, Applicant respectfully requests that Rooke cannot be relied upon for rejection of the pending claims.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected

or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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